

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 92, “IowaCare,” Iowa Administrative Code.

IowaCare rules are amended to:

- Change the cross reference to Medicaid citizenship requirements to clarify that all requirements for documentation of citizenship apply equally to IowaCare applicants.
- Require use of Form 470-4542, IowaCare Insurance Information Request, to gather health insurance information from an IowaCare member. The member must complete the form to confirm the status of the member’s group health insurance.

One of the eligibility requirements for IowaCare is that a person who has access to group health insurance is not eligible. If the Iowa Medicaid Enterprise discovers through data matches with insurance carriers that the IowaCare member has health insurance, additional information is needed to determine if the member remains eligible. An IowaCare member is not considered to have access to group health insurance if certain conditions exist. Form 470-4542 assists the Department in establishing the presence of these conditions.

These amendments do not provide for waivers in specified situations because they merely clarify current policy and practice. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before November 24, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code chapter 249J.

The following amendments are proposed.

ITEM 1. Amend subrule 92.2(2) as follows:

92.2(2) *Citizenship.* To be eligible for IowaCare benefits, a person must meet the requirements in ~~441—paragraph 75.11(2)“a.”~~ 441—subrule 75.11(2). A person who claims a qualified alien status shall provide documentation of this status.

ITEM 2. Amend subrule 92.2(4), introductory paragraph, as follows:

92.2(4) *Group health insurance.* A person who has access to group health insurance is not eligible for IowaCare. The department shall use Form 470-4542, IowaCare Insurance Information Request, to obtain information to confirm the status of an IowaCare member’s group health insurance. An applicant or member shall not be considered to have access to group health insurance if any of the following conditions exist: